

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JAMES ERIC LOFTEN

§

VS.

§

CIVIL ACTION NO. 1:14cv243

JOE WARREN, ET AL.

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff James Eric Loften, an inmate confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the lawsuit be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. As plaintiff paid the filing fee, he is responsible for serving the defendants. Plaintiff has been provided with summonses for the purpose of service. However, the record in this matter does not indicate any of the defendants have been served with process. In his objections, plaintiff does not demonstrate that service has been accomplished.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A

final judgment shall be entered dismissing this lawsuit. If plaintiff wishes to have this case reinstated, he may do so by providing proof of service within 60 days of the date set forth below.

So Ordered and Signed

Mar 14, 2018

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge